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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 07, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 4:24-CR-06016-MKD

Plaintiff,

ORDER GRANTING STIPULATION
REGARDING COMPUTER
FORENSIC REVIEW PROCEDURES
FOR CHILD PORNOGRAPHY
CONTRABAND

v.

TALHA AHMED,

Defendant.

ECF Nos. 21, 22

Before the Court is the parties' Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband, ECF No. 21, and related Motion to Expedite, ECF No. 22. Given the nature of the allegations in this case, the parties stipulate to impose forensic review procedures pursuant to 18 U.S.C. § 3509(m). The court has reviewed the record and the motion, including the parties' stipulations therein, and finds good cause to grant the motion.

Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband, **ECF No. 21**, is **GRANTED**.

1 2. The parties' Motion to Expedite, ECF No. 22, is **GRANTED**.

2 **IT IS FURTHER ORDERED** that 18 U.S.C. § 3509(m) applies to this
3 case, and the Court is required to deny defense requests to copy, photograph,
4 duplicate, or otherwise reproduce material constituting child pornography if the
5 government makes the material reasonably available to Defendant and provides an
6 ample opportunity for the defense to examine it at a government facility. *See* 18
7 U.S.C. § 3509(m).

8 **IT IS FURTHER ORDERED** that, in order to comply with 18 U.S.C.
9 § 3509(m), and to allow Defendant the greatest opportunity to prepare an effective
10 defense in preparation for trial in this matter, the government will make a forensic
11 copy or "image" of devices and media containing alleged child pornography
12 contraband at issue in the above-referenced case. The government will make full
13 forensic images reasonably available to Defendant and provide ample opportunity
14 for the defense team to examine them at a government facility in Spokane,
15 Washington. The United States will also work with counsel for Defendant to make
16 reasonably available a working copy of contraband material at the offices of
17 Homeland Security Investigations in Richland, Washington. The parties may
18 readdress the Court if there is a need for additional or after-hours access during the
19 course of litigation in the event trial or motion hearings require additional forensic
20 review.

1 **IT IS FURTHER ORDERED** that the defense forensic examination of the
2 full forensic images in Spokane may be conducted in an interview room monitored
3 by closed-circuit television (“CC-TV”), without audio feed. If so, the TV with
4 non-audio feed will ensure the integrity of government agency space and security
5 of its occupants and will not be of sufficient detail or at an angle that would reveal
6 defense strategy. The government and its agents will make no attempt to record
7 any audio from the workstation and no attempt to observe the defense team’s work
8 product or computer monitor screen at any time. The defense expert may review
9 the feed to ensure that defense strategy is not being compromised at any time while
10 conducting the forensic review.

11 **IT IS FURTHER ORDERED** that the defense team¹ shall not make, nor
12 permit to be made, any copies of the alleged child pornography contraband
13 pursuant to this Protective Order, nor will they remove any contraband images
14 from the government facility. The defense expert will be allowed to copy any file
15 that is not contraband and compile a report (without contraband images/videos)
16 documenting the examination on removable media at the discretion of the defense

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¹ For purposes of this Protective Order, the term “defense team” refers solely to
19 Defendant’s counsel of record (“defense counsel”), Defendant’s designated expert
20 (“defense expert”), and a defense investigator.

1 expert.

2 **IT IS FURTHER ORDERED** that any defense counsel and/or designated
3 defense expert will leave at the government facility any equipment, including hard
4 drives, which contain child pornography contraband that is identified during
5 forensic evaluation.

6 **IT IS FURTHER ORDERED** that for the purpose of trial, the government
7 will make available a digital copy of any government trial exhibit that contains
8 contraband, which will be kept in the custody and control of the case agent. Upon
9 reasonable notice by the defense, the case agent will also maintain for trial digital
10 copies of any proposed defense exhibit that contains contraband. If the defense
11 team intends to offer, publish, or otherwise utilize any government or defense
12 exhibit contained on the digital copy maintained by the case agent during trial, the
13 case agent shall assist the defense team in publishing or utilizing the exhibit that
14 contains contraband upon reasonable notification by the defense team.

15 **IT IS FURTHER ORDERED** that this ORDER shall apply to any
16 attorneys who subsequently become counsel of record, along with their defense
17 teams, without the need to renew or alter the ORDER.

1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
2 and provide copies to all counsel.

3 **DATED** August 7, 2024.

4 *s/Mary K. Dimke*
5 MARY K. DIMKE
6 UNITED STATES DISTRICT JUDGE
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